

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

CANON, INC.

Plaintiff,

vs.

ROKU INC.,

Defendant.

CIVIL ACTION NO. 6:19-cv-00245

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Canon, Inc. (“Canon” or “Plaintiff”) brings this Complaint for Patent Infringement (“Complaint”) and for Jury Trial against Roku Inc. (“Roku” or “Defendant”).

Plaintiff alleges as follows:

THE PARTIES

1 Canon is a corporation organized and existing under the laws of Japan. Its principal place of business is located at 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo 146-8501, Japan.

2 Defendant Roku, Inc. is a Delaware corporation and is authorized to do business in Texas.

3 Roku may be served through its agent for service of process, Corporation Service Company, 211 E. 7th St, Suite 620, Austin Texas 78701.

4 Roku has a regular and established place of business at 9606 N. Mopac Expressway, Suite 400, Austin, Texas 78759.

5 On information and belief, Roku is responsible for all phases of the Roku TVs' research and development – including the development, planning, manufacturing, and marketing of Roku TVs.

6 Furthermore, on information and belief, Roku – on its own and/or through third parties – makes, sells, offers for sale, imports, and/or uses infringing systems comprising televisions that integrate and make use of the Roku Operation System (the “Roku OS”) in this judicial District. These infringing systems are referred to as “Roku TVs.”

7 On information and belief, Roku – on its own and/or through third parties – advertises, markets, and/or otherwise promotes Roku TVs in this judicial District.

8 On information and belief, Roku has a licensing agreement with TCL Electronics Holdings Ltd. and TTE Technology Inc. (collectively “TCL”) wherein Roku purports to authorize and to induce TCL to make, sell, offer for sale, import and/or use Roku TVs in the U.S.

JURISDICTION AND VENUE

9 This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10 This Court has specific personal jurisdiction over Defendant at least in part because Defendant conducts business in this Judicial District. Canon's causes of action arise, at least in part, from Defendant's contacts with and activities in the State of Texas and this Judicial District. Upon information and belief, Defendant has committed acts of infringement within the

State of Texas and this Judicial District by, *inter alia*, directly and/or indirectly using, selling or offering to sell products that infringe one or more claims of Canon's patents asserted herein.

11 Thus, Defendant has established minimum contacts with the State of Texas and the exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

12 Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391(b), (c) and 1400(b) because (1) Defendant has done and continues to do business in this Judicial District; and (2) Defendant has committed and continues to commit acts of patent infringement in this Judicial District by, *inter alia*, directly and/or indirectly using, selling or offering to sell infringing products in this Judicial District.

THE CANON PATENTS

13 On June 29, 2010, the United States Patent & Trademark Office (USPTO) issued United States Patent No. 7,746,413 ("the '413 Patent"), titled "Operation Screen Controlling Method, Operation Screen Controlling Program, and Display Device" to Canon as assignee of the inventors, Keiichi Aoyama, Shigeki Mori, and Shuntaro Aratani. A true and correct copy of the '413 Patent is attached as Exhibit 1 to this Complaint and is incorporated by reference herein.

14 The '413 Patent is generally directed to a display controlling method or system for displaying operation screens that are suitable for various remote controls with various attributes. The '413 Patent discloses and specifically claims inventive and patentable subject matters that represent significant improvements over conventional display controlling method/system that was available at the time of filing of the '413 Patent and are more than just generic apparatus or software components performing conventional activities.

15 At the time of filing of the '413 Patent, "there has been proposed a television receiver, which is enabled to use a plurality of remote control devices [] by giving priority to the individual remote control devices to improve the operability of the television received" "[i]n case a plurality of remote control devices for controlling a television receiver" were available. Ex. 1 at Col. 1, ll. 17-24. Such proposed television receiver, however, had the problem of its "operation screen of a graphical user interface" being not suited for the attributes and operation devices associated with the remote control device used to control the graphical user interface. *Id.*, Col. 1, ll. 28-30. The '413 Patent's claimed display controlling method/system solves this problem of "the operability" being "degraded by the remote control device used" by reciting specific and significant improvements over the conventional display controlling method/system, such as, for example, to acquire an attribute of a remote control device, determine the most suitable operation form corresponding to the remote control device's attribute by evaluating a degree of suitability between the remote control device's attributes and the operation forms stored by the apparatus as the subject of controlling and display the most suitable operation form. The claims of the '413 Patent are directed to these specific improvements in the capabilities of display controlling technology and devices, not to an abstract process that merely invokes these devices as tools.

16 Given the state of the art at the time of filing of the '413 Patent, the claim limitations of the '413 Patent, both individually and as an ordered combination, were not conventional, well-understood, or routine. The '413 Patent discloses, among other things, an unconventional technological solution to an issue arising specifically in the context of controlling electronic display and communications between electronic devices. The solution implemented

by the '413 Patent provides a specific and substantial improvement over prior electronic display and communications systems in electronic devices, including by introducing novel elements combined in an unconventional manner directed to improving the function and working of electronic devices such as, *inter alia*, the claimed “determining an operation form corresponding to the remote control device from among a plurality of operation forms previously stored based on the acquired attribute of the remote control device... wherein, in the step of determining the operation form, the operation form corresponding to the remote control device is determined by evaluating a degree of suitability between the remote control device and each of the plurality of operation forms based on the acquired attribute of the remote control device” (Claim 1). As discussed above, these claimed elements and their combination were not present in the prior art, and represent unconventional and concrete improvements over the prior art.

17 Consistent with the problem addressed being rooted in electronic displays and communications between electronic devices, the '413 Patent's solutions are also rooted in the same technology that cannot be performed with pen and paper or in the human mind. This technical context is reflected in the '413 Patent's claims, as described above.

18 A person having ordinary skill in the art at the time of the inventions of the '413 Patent would not have understood that the inventions could or would be performed solely in the human mind or using pen and paper. Using pen and paper would ignore the stated purpose of the '413 Patent and the problem the patented technology was specifically designed to address. Doing so would also run counter to the inventors' detailed description of the inventions, and the language of the claims, and be a practical impossibility.

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